



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 302
[2009 Senate Bill 146]

Tribal Schools

2009 Wisconsin Act 302 applies a wide array of statutes to tribal schools and tribal school pupils and staff in largely the same manner in which these statutes apply to private schools and private school pupils and staff. The statutes affected relate to: (1) regulatory or administrative matters (e.g., the administration of the annual pupil count and enforcement of truancy statutes); (2) protection of pupils and staff (e.g., access to HIV test results for persons who have been exposed to bodily fluids); (3) services available to schools (e.g., assistance from the Department of Public Instruction in development of suicide prevention, AODA, and protective behavior programs); and (4) benefits available to schools or their pupils and staff (e.g., authority of certain pupils to serve as inspectors at polling stations and eligibility of schools to receive trees from the Department of Natural Resources for planting on Arbor Day).

Due to the sovereignty of the tribes that operate them, the Act does not impose any direct requirements on tribal schools. However, it does make certain benefits subject to compliance with requirements that apply to private schools that receive the particular benefits. For example, the Act authorizes law enforcement and social service agencies to release certain confidential information to tribal schools, but only on the condition that the tribe has enforceable protections in place to keep the information confidential in the same manner as is required of public and private schools.

The Act does *not* address four sets of statutes that apply to private schools. These statutes relate to: (1) funding for special education; (2) funding for pupil transportation; (3) bonding through the Wisconsin Housing and Economic Development Authority; and (4) private schools in the City of Milwaukee.

Effective date: The Act takes effect on May 27, 2010.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.